



Journal of the House

State of Indiana

119th General Assembly

First Regular Session

Thirty-first Day

Monday Afternoon

March 16, 2015

The invocation was offered by Pastor Scott Luck of Stones Crossing Church in Greenwood, a guest of Representative David N. Frizzell.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Clyde Kersey.

The Speaker ordered the roll of the House to be called:

Arnold	Klinker
Austin	Koch
Aylesworth	Lawson
Bacon	Lehe
Baird	Lehman
Bartlett	Leonard
Bauer	Lucas
Behning	Macer
Beumer	Mahan
Borders	Mayfield
Braun	McMillin
C. Brown	McNamara
T. Brown	D. Miller <input type="checkbox"/>
Burton	Moed
Carbaugh	Morris
Cherry	Morrison
Clere	Moseley
Cook	Negele
Cox	Niezgodski
Culver	Nisly
Davisson	Ober
DeLaney	Olthoff
Dermody	Pelath
DeVon	Pierce
Dvorak	Porter
Eberhart	Price
Errington	Pryor
Fine	Rhoads
Forestal	Richardson
Friend	Riecken
Frizzell	Saunders
Frye	Schaibley
GiaQuinta	Shackleford
Goodin	Slager
Gutwein	Smaltz
Hale	M. Smith
Hamm	V. Smith
Harman	Soliday
Harris <input type="checkbox"/>	Speedy
Heaton	Stemler
Huston	Steuerwald
Judy	Sullivan
Karickhoff	Summers
Kersey	Thompson
Kirchhofer	Torr

Truitt
Ubelhor
VanNatter
Washburne
Wesco

Wolkins ☐
Wright
Zent
Ziemke
Mr. Speaker

Roll Call 275: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, March 17, 2015, at 1:30 p.m.

SMITH, M.

The motion was adopted by a constitutional majority.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 216, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 216 as reprinted January 23, 2015.)

Committee Vote: Yeas 10, Nays 0.

PRICE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred Senate Bill 249, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 15-11-5-4, AS ADDED BY P.L.2-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) The livestock industry promotion and development fund is established as a dedicated fund to be administered by the department.

(b) Money in the fund must be spent by the department:

- (1) exclusively for the purposes described in this chapter and IC 15-11-14, including administrative expenses; and
- (2) throughout Indiana.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the fund is abolished, the money in the fund reverts to the state general fund.

(d) There is annually appropriated to the department the entire amount of money in the fund for the use of the department in carrying out the purposes of this chapter.

SECTION 2. IC 15-11-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 14. Farm Commodities and Market News Service

Sec. 1. (a) Beginning July 1, 2017, the department shall:

- (1) implement and promote a program to supply to the agriculture industry marketing assistance that provides unbiased price and sales information to assist in the marketing and distribution of farm commodities; and**
- (2) implement and maintain a market news service for the purpose of disseminating information that will aid producers and consumers in the sale and purchase of agricultural products.**

(b) Beginning July 1, 2015, the department shall develop and implement a pilot program that incorporates the requirements in subsection (a). The pilot program must:

- (1) be designed in a manner that will allow for the expansion of information that is provided in the future based on the needs of the agricultural industry; and**
- (2) focus on livestock and forage products.**

The pilot program expires July 1, 2017.

Sec. 2. The department may negotiate and enter into cooperative agreements with the United States Department of Agriculture or any other appropriate federal agency to implement this chapter.

SECTION 3. IC 15-17-2-34, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 34. (a) "Garbage" means:

- (1) any waste material derived in whole or in part from any animal, including fish and poultry; or
- (2) refuse from the handling, preparation, cooking, or consumption of food that has been associated with waste material derived in whole or in part from any animal, including fish and poultry.

(b) The term does not include:

- (1) bakery waste;
- (2) candy waste;
- (3) eggs;
- (4) domestic dairy products; ~~or~~
- (5) a processed product;**
- (6) a rendered product; or**
- ~~(5)~~ **(7) waste from ordinary household operations that is fed directly to swine on the same premises where the household is located.**

SECTION 4. IC 15-17-2-91.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 91.5. "Processed product" means material derived in whole or in part from any animal, including fish and poultry, and other refuse that has been associated with any such material, that has undergone an industrial manufacturing procedure to prevent spoilage or add shelf stability that has been:**

- (1) at a minimum, cooked to a temperature of one hundred sixty-seven (167) degrees Fahrenheit for at least thirty (30) minutes; or**
- (2) subjected to another industrial process demonstrated to provide an equivalent level of inactivation of disease organisms, as approved by the board.**

SECTION 5. IC 15-17-2-95, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 95. "Rendered product" means waste material derived in whole or in part from any animal, including fish and poultry, and refuse from the handling, preparation, cooking, or consumption of food that has been:

- (1) ground and heated to a minimum temperature of two hundred thirty (230) degrees Fahrenheit to make products such as animal, poultry, or fish protein meal, grease, or**

tallow; or

- (2) subject to other industrial processes demonstrated to provide an equivalent level of inactivation of disease organisms, as approved under rules adopted by the board.**

SECTION 6. IC 15-17-10-16, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. A person may not feed or permit the feeding of garbage to swine, ~~except for rendered products; unless:~~

- (1) the garbage is treated to kill disease organisms in accordance with rules adopted by the board; and**
- (2) the processing occurs at a facility operated by a person holding a valid license issued by the board, for the treatment of garbage."**

Page 2, line 17, delete "Extension" and insert "Cooperative Extension Service".

Page 2, line 19, after "committee" insert ", to the Indiana land resources council (IC 15-12-5)".

Renumber all SECTIONS consecutively.

(Reference is to SB 249 as printed February 4, 2015.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

LEHE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 393, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 393 as reprinted January 27, 2015.)

Committee Vote: Yeas 9, Nays 0.

PRICE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 101, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, after line 3, begin a new paragraph and insert:

"Sec. 11. This chapter is not intended to, and shall not be construed or interpreted to, create a claim or private cause of action against any private employer by any applicant, employee, or former employee."

Renumber all SECTIONS consecutively.

(Reference is to SB 101 as printed February 20, 2015.) and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 4.

STEUERWALD, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 38

Representative Rhoads and Stemler introduced House Concurrent Resolution 38:

A CONCURRENT RESOLUTION memorializing Corporal Jordan Lee Spears.

Whereas, Marine Corporal Jordan Lee Spears was the first Hoosier casualty in the war against the Islamic State in Iraq and Syria (ISIS);

Whereas, Corporal Spears, 21, of Memphis, Indiana, was lost at sea October 1 while conducting flight operations in the

North Arabian Gulf in support of Operation Inherent Resolve;

Whereas, Corporal Spears, two pilots, and another crew chief were on a mission to retrieve soldiers from Kuwait and take them to Baghdad;

Whereas, Shortly after takeoff, their plane lost power and appeared to be ready to crash into the Persian Gulf;

Whereas, With a crash appearing imminent, Corporal Spears and the other crew chief jumped out of the craft and into the Persian Gulf;

Whereas, Corporal Spears' life preserver failed to automatically inflate and, in his heavy flight clothes, boots, and helmet, he flailed in the water;

Whereas, Corporal Spears struggled to manually inflate his life preserver but could not;

Whereas, Corporal Spears was assigned to Marine Medium Tiltrotor Squadron 163, Marine Aircraft Group 16, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Marine Corps Air Station Miramar, California;

Whereas, In the third year of a five year enlistment, Corporal Spears had enlisted in the Marines at 17 years of age and had planned to return to Southern Indiana when his time in the Marines was completed, where he planned to work as a chef;

Whereas, One of six children, Jordan was lovingly remembered by his twin brother, Nathan, with a song he recorded and played at his funeral; and

Whereas, Bravery such as this deserves to be remembered always: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes the great bravery and love of country displayed by Corporal Jordan Lee Spears and expresses our heartfelt sympathy to his family at this time of great sorrow.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the family of Corporal Jordan Lee Spears.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator J. Smith.

House Concurrent Resolution 39

Representatives Frye, Forestal and Beumer introduced House Concurrent Resolution 39:

A CONCURRENT RESOLUTION recognizing 70 Indiana volunteer firefighters on the occasion of 50 years of dedicated service to their local volunteer fire departments.

Whereas, Since the early days of firefighters, the volunteer firefighter has been the cornerstone of our great nation's efforts to protect us from the ravages of fire;

Whereas, Among some of the most famous Americans who have served as volunteer firefighters are George Washington, Thomas Jefferson, Benjamin Franklin, Samuel Adams, John Hancock, Paul Revere, Alexander Hamilton, John Jay, John Barry, Aaron Burr, Benedict Arnold, James Buchanan, and Millard Fillmore;

Whereas, Fifty years of dedicated service is an outstanding achievement that requires these brave men to juggle their volunteer firefighting duties with a full-time job, other community activities, and raising their families;

Whereas, Volunteer firefighters and fire departments not only provide fire protection, but also engage in other activities of great benefit and importance to the communities they serve;

Whereas, Citizens across Indiana and the nation are inspired by and indebted to our valiant firefighters who display tremendous courage and bravery each day in carrying out their duties;

Whereas, Firefighters exemplify the power of human compassion and the strength of the American spirit through actions of the most heroic magnitude, and their sacrifices and their selfless dedication merit tribute and recognition by all citizens of this great state;

Whereas, Many firefighters have lost their lives to save the lives of others;

Whereas, Each day, these brave firefighters face danger and peril without fear while performing their jobs with concern and professionalism;

Whereas, The citizens of Indiana are proud to honor these 70 members of our volunteer fire service upon the occasion of 50 years of dedicated service; and

Whereas, It takes a special dedication, a strong desire to help others, and a tireless sense of community to forsake precious time with family and friends to respond to the alarm that a neighbor is in need, these 70 volunteer firefighters, throughout their 50 years of devoted service, heroically performed those responsibilities: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly takes great pleasure in honoring these 70 volunteer firefighters on the occasion of the anniversary of 50 years of dedicated service to their communities.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to each volunteer firefighter.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Messmer.

House Concurrent Resolution 40

Representatives Burton and Hale introduced House Concurrent Resolution 40:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to place a directional sign for Proctor Park in New Whiteland.

Whereas, The town of New Whiteland established Proctor Park, named after Joseph E. Proctor, a United States Army sergeant killed in action in Iraq in 2006, to honor the service and memory of all those who have served their country as members of the armed forces, law enforcement, fire protection, and other emergency services;

Whereas, Proctor Park provides a place for visitors to reflect on the lives and sacrifices of those who have protected our communities and our nation through their selfless service and give thanks for all those who continue to serve their country and their communities;

Whereas, Proctor Park celebrates a community that came together to honor and celebrate the life of a fallen son;

Whereas, Much of the planning, fundraising, development, promotion, and maintenance of Proctor Park is provided by officers and employees of New Whiteland; and

Whereas, It is proper that a directional sign for Proctor Park be erected in New Whiteland on both the north and south lanes of U.S. 31 near Tracy Road: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly urges the Indiana Department of Transportation to erect a directional sign for Proctor Park in New Whiteland on both the north and south lanes of U.S. 31 near Tracy Road.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Commissioner of the Indiana Department of Transportation and Maribeth Alspach, the New Whiteland clerk-treasurer.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Concurrent Resolution 41

Representative Porter introduced House Concurrent Resolution 41:

A CONCURRENT RESOLUTION memorializing Reverend Charles Williams.

Whereas, The Reverend Charles Williams typifies a religious leader who lives "Thus sayeth the Lord" at the pulpit and in the streets;

Whereas, Reverend Charles Williams visualized empowering all citizens economically, educationally, politically, socially, and spiritually;

Whereas, Reverend Charles Williams became president of the Indiana Black Expo in 1983 and, until his death in July 2004, remained one of the most influential black leaders in Indianapolis;

Whereas, Under Reverend Williams' leadership, the Indiana Black Expo has become the largest and most enduring display of African American arts, culture, heritage, and history in the world;

Whereas, Reverend Williams started at Black Expo as a volunteer representing the mayor's office and became president of the volunteer board of directors in 1980;

Whereas, Reverend Williams worked with elected officials and community leaders to obtain recognition of the Martin Luther King, Jr. holiday in the state of Indiana;

Whereas, In addition to his work with Black Expo, Reverend Williams also served as a special assistant to Mayor Richard Lugar and Mayor William Hudnut;

Whereas, Reverend Charles Williams was born in Indianapolis in 1948 and attended the city's public schools, including Crispus Attucks High School, where he was involved with the Key Club and sold doughnuts to raise money for projects;

Whereas, Reverend Williams moved with his family to Chicago in 1963;

Whereas, While in Chicago, Reverend Williams left high school and, in 1965, enlisted in the Navy, where he received his general equivalency diploma;

Whereas, Reverend Williams served his country for three years, including time in Vietnam, where he began his career in event planning and promotion by organizing a band competition with black soldiers performing;

Whereas, Reverend Williams returned to Chicago briefly in 1971 but left to enroll at Black Hawk College in Moline, Illinois;

Whereas, Reverend Williams left college when he was offered a job by local officials to organize the National Association for the Advancement of Colored People's 1973 national convention in Indianapolis;

Whereas, Reverend Williams was ordained a Baptist minister in 1978 and once served as associate pastor of St. John's Missionary Baptist Church; and

Whereas, It is fitting and just that the Indiana Department of Transportation rename that part of Interstate 70 east from downtown to Interstate 465 as the Reverend Charles Williams Memorial Highway: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly expresses its deepest sympathy at the loss of Reverend Charles Williams and acknowledges the many contributions he made to his city, state, and country. His death has left a void that will never be filled.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the family of Reverend Charles Williams and the commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Concurrent Resolution 42

Representatives Ubelhor, Bauer, C. Brown and Heaton introduced House Concurrent Resolution 42:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename that part of U.S. 231 from Interstate Highway 69 to the city of Bloomfield the "Donald W. Dean Memorial Highway".

Whereas, Born on April 1, 1922, former Representative Donald Dean died on April 3, 2007;

Whereas, The son of Frank C. and Betty Jeanette (Wines) Dean, Donald Dean graduated from Bloomfield High School in 1940;

Whereas, After graduation Donald Dean enlisted in the Army and served for four years, six months, and 26 days as a technical sergeant in Tunisia, Sicily, and Italy during World War II serving under General George Patton and General Mark Clark;

Whereas, After earning six medal stars for dedicated service to his country, Donald Dean returned to Bloomfield and married Betty Jo Hasler, and together they had daughter Nancy and son David;

Whereas, Donald Dean was elected to the Indiana House of Representatives in 1978 where he served for 12 years;

Whereas, While in the General Assembly, Donald Dean served on the Public Policy Committee, the Roads and Transportation Committee, the County and Townships Committee, and the Natural Resources Committee and was chairman of the Veterans Affairs Committee;

Whereas, Donald Dean was instrumental in passing the Grandparent's Visitation Law, initiated the move to red and blue lights on all police cars, secured money for erecting the Veterans Bridge over the White River, assisted in expanding Highway 37 to four lanes from Bedford to south of Mitchell, and oversaw the creation of the Circuit and Superior Courts in Greene County;

Whereas, In addition to his duties with the Indiana House of Representatives, Donald Dean was active in the Greene County

Republican Party for many years and was a member of the Bloomfield First Baptist Church, Bloomfield American Legion Post 196, the Disabled American Veterans, the Bloomfield Masonic Lodge F&AM 84, the Scottish Rite and Zorah Temple of Terre Haute, Linton Elks, and Greene County Shrine, and was a 50 year member of the Bloomfield Lions Club;

Whereas, Donald Dean was a patriotic and civic minded man who loved and served his country with great pride; and

Whereas, It is, therefore, fitting and proper that special recognition be given to former Representative Donald Dean for his many accomplishments and loyal service to his constituents and the state of Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly urges the Indiana Department of Transportation to rename that part of U.S. 231 from Interstate Highway 69 to the city of Bloomfield the "Donald W. Dean Memorial Highway".

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the family of former Representative Donald W. Dean and the Commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Resolution 28

Representatives Richardson and GiaQuinta introduced House Resolution 28:

A HOUSE RESOLUTION urging the Legislative Council to assign the review of the primary process to the Elections and Apportionment Committee during the 2015 interim.

Whereas, Over the years, there has been discussion regarding the primary election process in Indiana;

Whereas, Now may be the time for Indiana to take another look at how we select candidates for the general election;

Whereas, Several topics that may be discussed are the cost of the primary election, the low turnout, the time the election is held, and if the selection of party candidates should be funded by the county; and

Whereas, At this time, it would be prudent to further study these issues in order to improve the process: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Legislative Council is urged to assign the review of the primary process to the Elections and Apportionment Committee during the 2015 interim.

The resolution was read a first time and referred to the committee on Rules and Legislative Procedures.

Senate Concurrent Resolution 29

The Speaker handed down Senate Concurrent Resolution 29, sponsored by Representative Washburne:

A CONCURRENT RESOLUTION congratulating the Princeton High School girls basketball team for winning the 2014-2015 IHSAA Class 3A State Championship Title.

Whereas, On Saturday March 7, 2015, the Princeton High School girls basketball team captured the 2014-2015 IHSAA Class 3A state championship title in Bankers Life Fieldhouse in downtown Indianapolis;

Whereas, This win gave the Princeton Tigers their last in a 26-game winning streak;

Whereas, Princeton Junior Jackie Young scored a record 36 points, grabbed 12 rebounds, had 6 assists and 4 steals to boost the Tigers to a 72-44 victory over the Tippecanoe Valley Vikings;

Whereas, With this win, the Princeton Tigers tied the record for most points scored and established a 28 point margin of victory, the largest ever in a Class 3A championship game;

Whereas, Young's 36 points represented a new record for Class 3A and for all classes since the advent of the multiple-class system in 1997-1998;

Whereas, As the state's second-leading scorer this season with a 31.9 average per game, Young also surpassed the 1,000 point mark this season, totaling 1,003 points to become the first girl to reach that milestone and only the fifth player in Indiana high school basketball history to do so;

Whereas, Young also broke the record for most field goals made by an individual by sinking 15 of her shots;

Whereas, Brooke James also scored in the double-digits in the state final, totaling 15 points;

Whereas, James scored the final 13 points of the first half to push the Tigers to a 38-22 halftime lead, breaking the record for most points scored in one half;

Whereas, The Tigers were ranked fourth by the ICGSA and finished their season at 30-1;

Whereas, This is the first state title for the Princeton girls basketball team and the second in school history, joining the 2009 3A boys basketball state title team; and

Whereas, It is fitting that the Indiana General Assembly gives special recognition to the Princeton High School girls basketball team for its hard work and perseverance in capturing the 2014-2015 IHSAA Class 3A state title: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates the Princeton High School girls basketball team for winning the 2014-2015 IHSAA Class 3A State Championship Title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to each member of the Princeton High School girls basketball team including: Tanisha Adams, Aleni Brewer, Hannah Brewer, Easton Chandler, Ashleigh Chestnut, Kiana Hardiman, Emma Heldt, Samantha Hyneman, Brooke James, Alyssa Koberstein, Kelsey Kolb-Blume, Ava Little, Tori Matthews, Kaycee Russell, Sabreena Salemie, Raelynn Thompson, Keaton Whetstone, Jackie Young, and Kiare Young; their Head Coach Charlie Mair; Princeton High School Principal Steve Hauger; and Dr. Brian Harmon.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

ENGROSSED SENATE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: Engrossed Senate Bills 26, 59, 173, 175, 197, 285, 298 and 437.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 4

Representative Washburne called down Engrossed Senate Bill 4 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 276: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 171

Representative Washburne called down Engrossed Senate Bill 171 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 277: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 199

Representative Washburne called down Engrossed Senate Bill 199 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 278: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 289

Representative McNamara called down Engrossed Senate Bill 289 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 279: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 306

Representative Steuerwald called down Engrossed Senate Bill 306 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 280: yeas 78, nays 18. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 434

Representative Baird called down Engrossed Senate Bill 434 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 281: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:14 p.m.

Upon request of Representative Austin, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 282: 68 present. The Speaker declared a quorum present.

Representatives Carbaugh, Lehman and Ober, who had been present, are now excused.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 50

Representative Frizzell called down Engrossed Senate Bill 50 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 50-1)

Mr. Speaker: I move that Engrossed Senate Bill 50 be amended to read as follows:

Page 2, line 22, after "voter" insert "**or county chairman of a major political party of a county**".

Page 3, after line 15, begin a new paragraph and insert:
"SECTION 2. IC 3-12-8-17, AS AMENDED BY P.L.221-2005, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) A contest shall be heard and determined by the court without a jury subject to the Indiana Rules of Trial Procedure.

(b) The court shall determine the issues raised by the petition and answer to the petition.

(c) After hearing and determining a petition alleging that a candidate is ineligible, the court shall declare as elected or nominated the qualified candidate who received the highest number of votes and render judgment accordingly. **If the court rules that the contestee is ineligible, and no other individual was a candidate for nomination or election, the court shall declare that no candidate has been:**

(1) **nominated at the primary, and that a ballot vacancy exists that the political party may fill under IC 3-13-1 or IC 3-13-2; or**

(2) **elected at the general or municipal election, and that an office vacancy exists that may be filled under IC 3-13, subject to the right of an individual currently serving in the office to hold over in that office under Article 15, Section 3 of the Constitution of the State of Indiana.**

(d) If the court finds that:

(1) a mistake in the printing or distribution of the ballots used in the election;

(2) a mistake in the programming of an electronic voting system;

(3) a malfunction of an electronic voting system; or
 (4) the occurrence of a deliberate act or series of actions; makes it impossible to determine which candidate received the highest number of votes, the court shall order that a special election be conducted under IC 3-10-8.

(e) The special election shall be conducted in the precincts identified in the petition in which the court determines that:

- (1) ballots containing the printing mistake or distributed by mistake were cast;
- (2) a mistake occurred in the programming of an electronic voting system;
- (3) an electronic voting system malfunctioned; or
- (4) the deliberate act or series of actions occurred.

SECTION 3. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to ESB 50 as printed March 13, 2015.)

SMITH, M.

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 280

Representative VanNatter called down Engrossed Senate Bill 280 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Representative Nisly, who had been present, is now excused.

Engrossed Senate Bill 460

Representative T. Brown called down Engrossed Senate Bill 460 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 460-9)

Mr. Speaker: I move that Engrossed Bill 460 be amended to read as follows:

Delete the title and insert the following:
 A BILL FOR AN ACT concerning health.

Page 1, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the commission on long term health care established by subsection (b).

(b) The commission on long term health care is established.

(c) The commission consists of the following members:

- (1) Two (2) members of the senate appointed by the president pro tempore of the senate.
- (2) One (1) member of the senate appointed by the minority leader of the senate.
- (3) Two (2) members of the house of representatives appointed by the speaker of the house of representatives.
- (4) One (1) member of the house of representatives appointed by the minority leader of the house of representatives.
- (5) The state health commissioner or the commissioner's designee.
- (6) One (1) member who is nominated by the Association of Indiana Counties and is appointed jointly by the chairman and vice chairman of the legislative council.
- (7) One (1) member who is nominated by the Indiana State Chamber of Commerce and is appointed jointly by the chairman and vice chairman of the legislative council.
- (8) One (1) member representing the health facility industry, appointed jointly by the chairman and vice chairman of the legislative council.
- (9) One (1) member representing the hospital industry, appointed jointly by the chairman and vice chairman of the legislative council.

(10) One (1) member who is nominated by the area agencies on aging and is appointed jointly by the chairman and vice chairman of the legislative council.

(d) The president pro tempore of the senate shall appoint a legislative member of the commission to serve as chairperson of the commission. The speaker of the house of representatives shall appoint a legislative member of the commission to serve as vice chairperson of the commission.

(e) If a vacancy occurs on the commission, the appointing authority who appointed the member whose position is vacant shall appoint an individual to fill the vacancy.

(f) The commission shall do the following:

- (1) Study issues related to excess capacity available in long term care health facilities and the reason for the excess capacity in Indiana.
- (2) Study future demand for long term care services and suggested options to reduce current excess capacity of empty Medicaid beds in Indiana.
- (3) Study the economic impact of those suggested options, including a full moratorium on construction of any new health facilities.
- (4) Study the effect and economic impact of previous construction moratoriums on health facilities in Indiana.
- (5) Study the ranking of Indiana to other states as it relates to long term care services and identify where Indiana is deficient.
- (6) Study best practices by other states as they relate to supply of services to need, funding methods, state reimbursement for service, qualifications for care workers, and continuous improvement methods.
- (7) Study the future view of long term care and how those services can best be delivered.

The commission shall submit a final report of the results of its study and any recommendations to the legislative council before November 1, 2015. The report must be in an electronic format under IC 5-14-6.

(g) The commission shall operate under the policies governing study committees adopted by the legislative council. The legislative services agency shall provide staff support to the commission.

(h) The affirmative votes of a majority of the members appointed to the commission are required for the commission to take action on any measure, including the final report.

(i) This SECTION expires December 31, 2015.

SECTION 2. An emergency is declared for this act."

Delete pages 2 through 6.

Renumber all SECTIONS consecutively.

(Reference is to ESB 460 as printed March 13, 2015.)

SLAGER

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 47, I request to be excused from voting on the question of AM# 460-9. Pursuant to House Rule 46, the reason for the request is the following:

My employer has an interest in the outcome of this matter and I feel that in order to safeguard the public's trust in the House of Representatives, I need to be excused from voting on this matter.

MACER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 47, I request to be excused from voting on the question of AM# 460-9. Pursuant to House Rule 46, the reason for the request is the following:

My employer has an interest in the outcome of this matter and I feel that in order to safeguard the public's trust in the House of Representatives, I need to be excused from voting on this matter.

PORTER

Motion prevailed.

The question was on the motion Representative Slager.

Upon request of Representatives Mahan and Truitt, the Speaker ordered the roll of the House to be called. Roll Call 283: yeas 41, nays 50. Motion failed.

HOUSE MOTION
(Amendment 460-2)

Mr. Speaker: I move that Engrossed Senate Bill 460 be amended to read as follows:

Page 2, delete line 42.

Page 3, delete lines 1 through 26.

Page 3, line 27, delete "6." and insert "5."

Page 3, line 28, delete "the following:".

Page 3, delete lines 29 through 31.

Page 3, line 32, delete "(2) The" and insert "the".

Page 3, run in lines 28 through 32.

Page 3, delete lines 37 through 41.

Page 4, delete lines 1 through 6.

Page 4, line 7, delete "(2)" and insert "(1)".

Page 4, line 7, delete "7" and insert "6".

Page 4, line 9, delete "(3)" and insert "(2)".

Page 4, line 18, delete "(4)" and insert "(3)".

Page 4, line 29, delete "(5)" and insert "(4)".

Page 4, line 34, delete "The number of comprehensive care beds allowed".

Page 4, delete lines 35 through 42.

Page 5, delete lines 1 through 11.

Page 5, line 12, delete "7." and insert "6".

Page 5, line 41, delete "Sec. 8." and insert "Sec. 7".

Page 5, line 41, delete "2018." and insert "2016".

(Reference is to ESB 460 as printed March 13, 2015.)

VANNATTER

Motion failed.

HOUSE MOTION
(Amendment 460-3)

Mr. Speaker: I move that Engrossed Senate Bill 460 be amended to read as follows:

Page 3, line 17, delete "not later than March 1, 2015. The construction" and insert ".".

Page 3, delete lines 18 through 23.

Page 4, line 6, delete "July" and insert "September".

(Reference is to ESB 460 as printed March 13, 2015.)

VANNATTER

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 47, I request to be excused from voting on the question of AM# 460-3. Pursuant to House Rule 46, the reason for the request is the following:

My employer has an interest in the outcome of this matter and I feel that in order to safeguard the public's trust in the House of Representatives, I need to be excused from voting on this matter.

MACER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 47, I request to be excused from voting on the question of AM# 460-3. Pursuant to House Rule 46, the reason for the request is the following:

My employer has an interest in the outcome of this matter and I feel that in order to safeguard the public's trust in the House of Representatives, I need to be excused from voting on this matter.

PORTER

Motion prevailed.

The question was on the motion Representative VanNatter.

Upon request of Representatives Clere and Burton, the Speaker ordered the roll of the House to be called. Roll Call 284: yeas 37, nays 51. Motion failed. The bill was ordered engrossed.

RESOLUTIONS ELIGIBLE FOR ADOPTION

Senate Concurrent Resolution 3

The Speaker handed down on its passage Senate Concurrent Resolution 3, sponsored by Representative VanNatter:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to name the length of highway being constructed across the Deer Creek Valley the "James Whitcomb Riley Memorial Highway".

The resolution was read a second time and adopted. Roll Call 285: yeas 88, nays 0. The Clerk was directed to inform the Senate of the passage of the resolution.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Wright be added as cosponsor of Engrossed Senate Bill 35.

SCHAIBLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as cosponsor of Engrossed Senate Bill 80.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representative Lawson be added as cosponsor of Engrossed Senate Bill 309.

KOCH

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Judy and Zent be added as cosponsors of Engrossed Senate Bill 434.

BAIRD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as cosponsor of Engrossed Senate Bill 437.

TRUITT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives McMillin, Macer and Zent be added as cosponsors of Engrossed Senate Bill 484.

FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Rhoads, Baird, Bacon, Soliday and Ubelhor be added as coauthors of House Concurrent Resolution 37.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Clere, Frye, Lucas and Davisson be added as coauthors of House Concurrent Resolution 38

RHOADS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bacon, Macer, Burton, Cherry, Wesco, Price and Hamm be added as coauthors of House Concurrent Resolution 39

FRYE

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bill 1307 with amendments and the same is herewith returned to the House for concurrence.

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 26, 27 and 29 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ

Principal Secretary of the Senate

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Judy, the House adjourned at 5:15 p.m., this sixteenth day of March, 2015, until Tuesday, March 17, 2015, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives